

IN THE MATTER OF MERCANTILE SEAMAN'S DOCUMENTS NO. Z-1057483 AND ALL
Issued to: NORMIE D. CARROLL

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1491

NORMIE D. CARROLL

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.30-1.

By order dated 19 November 1964, an Examiner of the United States Coast Guard at Galveston, Texas, revoked Appellant's seaman documents upon finding him guilty of misconduct. The specification found proved alleges that while serving as a fireman-watertender on board the United States SS SANTA EMILIA under authority of the document above described, on 23 October 1964, Appellant assaulted and battered the ship's First Assistant Engineer with a burner wrench while the ship was at sea.

At the hearing, Appellant elected to act as his own counsel. Since Appellant entered a plea of guilty to the charge and specification, no evidence was introduced.

In the Investigating Officer's opening statement, he indicated that the investigation disclosed that, after striking the First Assistant on the head with a burner wrench, Appellant pursued the First Assistant with the wrench until Appellant was restrained and relieved from watch.

In mitigation, Appellant stated that the First Assistant was making trouble for Appellant by questioning him about his duties and addressing him with ungentlemanly language; Appellant lost his temper and hit First Assistant on the head with the wrench when he rejected Appellant's request that he be left alone.

At the end of the hearing, the Examiner rendered a written decision in which he concluded that the charge and specification had been proved by plea.

On appeal, Appellant contends that he was provoked by the First Assistant, the latter had been drinking, Appellant has never before been in trouble and the order of revocation is too harsh.

OPINION

On the basis of Appellant's own statement at the hearing and the contentions raised on appeal, it is apparent that there was no

justification for this assault and battery with a dangerous weapon. Appellant's admission that he lost his temper over such slight provocation stamps Appellant as an undesirable person to serve on United States merchant vessels.

Although the extent of injury to the First Assistant is not disclosed in the record, the nature of the attack against a licensed officer cannot be condoned to any extent. Appellant has no prior disciplinary record with the Coast Guard but he has only been sailing under the authority of his document for about one year. Hence, the order of revocation is not considered to be excessive under the circumstances.

ORDER

The order of the Examiner dated at Galveston, Texas, on 19 November 1964, is AFFIRMED.

E. J. Roland
Admiral, United States Coast Guard
Commandant

Signed at Washington, D. C., this 8th day of March 1965.

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- for assault, appropriateness of order

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